

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,	:	CASE NO. 16-CR-92
Plaintiff,	:	
v.	:	OPINION & ORDER
ANDREW DAVISON,	:	[Resolving Docs. 15 , 16]
Defendant.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On March 23, 2016, the United States indicted Defendant Andrew Davison for being a felon in possession of a firearm, for possession with intent to distribute cocaine, and for possession with intent to distribute marijuana.¹ On June 29, 2016, this Court heard argument in Defendant's motion to suppress and his motion for a *Franks* hearing.² This Court ruled from the bench, denying both motions.³ On July 5, 2016, Defendant Davison appealed the denial of the motion to suppress and the motion for a *Franks* hearing to the Sixth Circuit.⁴

Generally, a district court stays a case pending a proper interlocutory appeal to the appellate court. However, “[i]t is well-settled that a criminal defendant cannot take an immediate appeal from an order denying a pretrial motion to suppress evidence.”⁵ Rather, such an order can be appealed only after the entry of final judgment in the action—generally the entry of a sentence in a criminal case.⁶

¹ Doc. [1](#). The Government has now dismissed Counts 2 and 3 without prejudice. Doc. [48](#).

² Doc. [32](#); Doc. [34](#).

³ Doc. [44](#).

⁴ Doc. [46](#).

⁵ *United States v. Shameizadeh*, 41 F.3d 266, 267 (6th Cir. 1994) (citing *Di Bella v. United States*, 369 U.S. 121, 131 (1962)).

⁶ *Id.*; *Berman v. United States*, 302 U.S. 211, 212 (1937).

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Gwin, J.

Davison's appeal to the Sixth Circuit is improper. The appeal will not stay the scheduled trial.

IT IS SO ORDERED.

Dated: July 7, 2016

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE